

## Panama Canal Regulations

## § 60.3

that the regular incumbent is not serving in the position, a senior U.S. citizen official of the Commission listed in § 60.4(a) will designate an eligible U.S. citizen to assume the duties and responsibilities of the position as set forth in this part.

(9) *Director, Office of Executive Administration*, “Deputy Director, Office of Executive Administration,” “Deputy Personnel Director,” and “Chief, Administrative Services,” are similarly defined to mean the U.S. citizen(s) temporarily designated to assume the responsibilities of the position as set forth in this part.

(10) *DUSD(P)* refers to the Deputy Under Secretary of Defense (Policy).

[53 FR 7894, Mar. 11, 1988, as amended at 56 FR 59882, Nov. 26, 1991]

### § 60.2 Compliance with Executive Order 12356 and implementing directives.

(a) The Director, Office of Executive Administration is designated the senior agency official to direct and administer the information security program for the Commission, including an active oversight and security education program to ensure effective implementation of Executive Order 12356 and any implementing directives published by the Information Security Oversight Office.

(b) The Director, Office of Executive Administration will establish procedures to prevent unnecessary access to classified information, including procedures that:

(1) Require that a demonstrable need for access to classified information is established before initiating administrative clearance procedures, and

(2) Ensure that the number of persons granted access to classified information is limited to the minimum consistent with operational and security requirements and needs.

(c) The Deputy Personnel Director will direct the conduct of investigations relative to the issuance of security clearances in accordance with the standards and criteria of Executive Order 10450.

[53 FR 7894, Mar. 11, 1988, as amended at 56 FR 59882, Nov. 26, 1991]

### § 60.3 Classification levels, categories, and limitations.

(a) Classification levels. Official information which requires protection against unauthorized disclosure in the interest of the national security shall be classified *Top Secret*, *Secret*, or *Confidential* depending upon the degree of its significance to national security. No other terms or phrases of classification shall be used to identify such information except as otherwise expressly provided by statute. If there is reasonable doubt about the need to classify information, it shall be safeguarded as if it were classified pending a determination by one of the original classification authorities listed in § 60.4(a), who shall make this determination within thirty (30) days. If there is reasonable doubt about the appropriate level of classification, it shall be safeguarded at the higher level of classification pending a determination by one of the original classification authorities, who shall make this determination within thirty (30) days.

(1) *Top Secret* shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security. The Commission does not have the authority to classify information originally as *Top Secret*.

(2) *Secret* shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.

(3) *Confidential* shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security.

(b) Classification categories. Information shall be considered for classification if it concerns:

(1) Military plans, weapons, or operations;

(2) The vulnerabilities or capabilities of systems, installations, projects, or plans relating to the national security;

(3) Foreign government information;

(4) Intelligence activities (including special activities), or intelligence sources or methods;

(5) Foreign relations or foreign activities of the United States;

(6) Scientific, technological, or economic matters relating to the national security;

(7) United States Government programs for safeguarding nuclear materials or facilities;

(8) Cryptology;

(9) A confidential source; or

(10) Other categories of information that are related to the national security and that require protection against unauthorized disclosure as determined by the President or by agency heads or other officials who have been delegated original classification authority by the President. Any determination made under this subsection shall be reported promptly to the Director of Information Security, Office of the Deputy Under Secretary of Defense (Policy).

(c) Information that is determined to concern one or more of the categories in § 60.3(b) shall be classified when one of the original classification authorities listed in § 60.4(a) also determines that its unauthorized disclosure, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security. Classification on the basis of combination or association with other (classified or unclassified) information shall be supported by a written explanation which shall be maintained with the record copy of such information.

(d) Unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources or methods is presumed to cause damage to the national security.

(e) Information classified in accordance with § 60.3 shall not be declassified automatically as a result of any unofficial publication or inadvertent or unauthorized disclosure in the United States or abroad of identical or similar information, see § 60.11(e).

(f) Limitations on classification.

(1) In no case shall information be classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, an organization, or the Panama Canal Commission or other agency; to restrain competition; or to prevent or delay the release of information that

does not require protection in the interest of national security.

(2) Basic scientific research information not clearly related to the national security may not be classified.

(3) The President or the officials designated by the President in the FEDERAL REGISTER may reclassify information previously declassified and disclosed if it is determined in writing that:

(i) The information requires protection in the interest of national security; and

(ii) The information may reasonably be recovered. These reclassification actions shall be reported promptly to the Office of the Deputy Under Secretary of Defense (Policy) for subsequent reporting to the Director of the Information Security Oversight Office.

(4) Information in the custody of the Panama Canal Commission may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of Executive Order 12356 if such classification meets the requirements of that Executive Order and is accomplished personally and on a document-by-document basis by the officials identified in § 60.4(a) or an official with original Top Secret classification authority.

[53 FR 7894, Mar. 11, 1988, as amended at 56 FR 59882, Nov. 26, 1991]

#### **§ 60.4 Limitations on original classification authority.**

(a) The authority to classify information originally under this part shall be limited to the categories of Secret and Confidential. Only the following officials of the Panama Canal Commission are authorized to classify information or material originally:

(1) The Deputy Administrator;

(2) The Director, Office of Executive Administration; and

(3) The Secretary, Washington Office.

(b) Other officials and employees of the Panama Canal Commission originating documents which, in their opinion, should be classified as Secret or Confidential prior to dispatch, shall forward these documents to the Director, Office of Executive Administration